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Ms. Mary Hale
Southern California Gas Company
PO Box 2300
Chatsworth, CA 91313

CONDITIONAL CERTIFICATION FOR PROPOSED SOUTHERN CALIFORNIA GAS COMPANY LINE 1011, HALL CANYON CREEK PIPELINE PROTECTION WORK (GABION INSTALLATION) PROJECT (Corps' Project No. 2001-00382-BAH), PACIFIC OCEAN, CITY OF VENTURA, VENTURA COUNTY (File No. 03-057)

Dear Ms. Hale:

Regional Board staff has reviewed your request on behalf of Southern California Gas Company for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 5, 2003.

I hereby certify that any discharge from Southern California Gas Company Line 1011, Hall Canyon Creek Pipeline Protection Work (Gabion Installation) Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits. Finally, this certification does not foreclose the imposition of appropriate penalties for failure to obtain this certification prior to commencement of work.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[ORIGINAL SIGNED BY]

September 23, 2003

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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ATTACHMENT A

Project Information File No. 03-057

1. Applicant: Mary Howard
Southern California Gas Company
PO Box 2300
Chatsworth, CA 91313
Phone: (818) 701-4539 Fax: (818) 701-2549
2. Applicant's Agent: Duane Vander Pluym, D. ESE
Rincon Consultants, Inc.
790 E. Santa Clara Street
Ventura, CA 93001
Phone: (805) 641-1000 Fax: (805) 641-1072
3. Project Name: Southern California Gas Company Line 1011, Hall Canyon Creek Pipeline Protection Work (Gabion Installation) Project
4. Project Location: City of Ventura, Ventura County
Township T3N, Range R23W
Longitude: W119.2568° ; Latitude: N34.2935°
5. Type of Project: Gas line Protection
6. Project Description: *Purpose:*
The purpose of this project is to provide protection of a gas pipeline from damage by rock and other material carried in high flows; compliance with Department of Transportation (DOT) Code of Federal Regulations (CFR) 49 for buried and exposed pipelines.

Description:
Project activity includes the installation of four gabion structures in Hall Canyon Creek.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 3, 12, and 33 (Permit No. 2001-00382-BAH)
8. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement (Notification No. 5-302-00)
9. California Environmental Quality Act (CEQA) Compliance: The proposed project is Categorically Exempt from CEQA pursuant to CEQA Guidelines, Section 15304 (Minor Alterations to Land).

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- | | |
|--|---|
| 10. Receiving Water: | Hall Canyon Creek, tributary to the Pacific Ocean, and an unnamed tributary to the Ventura River (Hydrologic Unit No. 402.10) |
| 11. Designated Beneficial Uses: | <p>Pacific Ocean:
IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL</p> <p>Ventura River:
MUN, IND, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET</p> |
| 12. Impacted Waters of the United States: | <p>Non-wetland waters (unvegetated streambed): 0.0028 permanent acres</p> <p>Non-wetland waters (unvegetated streambed): 0.0178 temporary acres</p> |
| 13. Dredge Volume: | 0 cubic yards |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/ Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Silt fencing will be used to capture potential sedimentation during gabion installation. Work would be preferably performed in periods of low to no flow. Sandbags and/or straw bales will be used to divert water at the discharge end to prevent water quality impacts. Any such diversion would be done by impounding water behind sandbags and diverting flow through a plastic pipe. |
| 16. Proposed Compensatory Mitigation: | As an alternative, the Applicant has proposed to provide funding to the Ventura River Watershed In-lieu Fee Mitigation Program for 0.0234 acres of wetland creation or restoration. |
| 17. Required Compensatory Mitigation: | <i>See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.</i> |

ATTACHMENT B

Conditions of Certification File No. 03-057

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore the proposed **0.0178 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporal loss of **0.0178 acres** waters of the United States by creating or restoring riparian

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habitat at a minimum 1:1 area replacement ratio (0.0178 acres). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.0028 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 2:1 area replacement ratio (0.0056 acres). As an alternative, the Applicant has chosen to provide adequate funding to the Ventura River Watershed In-lieu Fee Mitigation Program for the creation or restoration of a total of 0.0234 acres of riparian habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the Ventura River Watershed to the extent feasible unless otherwise approved by this Regional Board. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

9. All open space mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board when finished.
10. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
11. All applications, reports, or information submitted to the Regional Board shall be signed:
 - a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
 - b) For a partnership, by a general partner;
 - c) For a sole proprietorship, by the proprietor;
 - d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
12. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of

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the person or persons who managed they system or those directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)"

13. The project shall comply with the local regulations associated with the Regional Board's Municipal Stormwater Permit issued to Ventura County and co-permittees under NPDES No. CAS004002 and Waste Discharge Requirements Order No. 00-108. This includes the Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
14. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
15. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number 03-057. Submittals shall be sent to the attention of the Nonpoint Source Unit.
16. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
17. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
18. The Applicant or their agents shall report any noncompliance, which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the

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noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

19. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
20. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification 180 days prior to its termination if the project as described has not been completed. Renewals may be granted in **five-year (5-year)** increments, are subject to additional filing fees, and will require Regional Board approval.